IN RE: PETITION FOR ZONING VARIANCE E/S York Road, 121' S of the C/L of Talbott Avenue (2331 York Road) 8th Election District 4th Councilmanic District

Jo Ann Keil

Petitioner

* DEPUTY ZONING COMMISSIONER

* Case No. 88-514-A

* OF BALTIMORE COUNTY

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a 72 sq.ft., double-faced, freestanding sign in lieu of the permitted 8 sq.ft. sign attached to the building, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by John O. Simons, General Partner of 2331 Associates Limited Partnership, Lessee of the subject property, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2331 York Road, is zoned R.O. and is improved with a Class B office building which was granted as a result of a request for special exception filed in Case No. 86-375-SPHX. Testimony and pictures presented indicated that a freestanding sign at the subject location is appropriate as the section of York Road in which the building is located is heavily travelled and contains many new office buildings with freestanding signs identifying each building. Mr. Simons indicated that the purpose of the freestanding sign is to provide sufficient time for visitors to identify the building and to direct visitors to the underground parking. The proposed sign will be non-illuminated in keeping with the R.O. classification.

As requested, Mr. Simons agreed to modify the original sign proposed for a sign more in keeping with the spirit and intent of the zoning

KIDDE CONSULTANTS, INC.

Subsidiary of Kidde, Inc. DESCRIPTION OF A 1.35 + ACRE PARCEL PROPERTY OF JO ANN KEIL ON YORK ROAD NEAR TALBOTT AVENUE 8TH TAX DISTRICT BALTIMORE COUNTY, MARYLAND ad the company of th

BEGINNING for the same at a point, said point being in the easterly right of way line of York Road, an 80 foot right of way. at a point South 18 degrees 03 minutes 34 seconds East 100.83 feet along of the prolongation of said right of way to intersect with the southerly prolongated right of way of Talbott Avenue, a 40 foot right of way, thence departing said point and running with the second through fourth lines of property described in a deed dated 14 May, 1984 from John H. Keil and Jo Ann Keil to Jo Ann Keil and recorded among the Land Records of Baltimore County, Maryland, in Liber 6747 at Folio 007, as now surveyed, viz: (1) North 79 degrees 31 minutes 26 seconds East 293.52 feet, (2) South 10 degrees 28 minutes 34 seconds East 210.00 feet, and (3) South 79 degees 31 minutes 28 seconds West 265.56 feet to a point on the easterly right of way of aforesaid York Road, thence departing said point and binding on the said easterly right of way of York Road; (4) North 18 degrees 03 minutes 34 seconds West 211.85 feet to the point and place of beginning.

CONTAINING 1.35 + acres of land as now surveyed by Kidde Consultants, Inc.

regulations. A revised sign plan dated June 30, 1988 was subsequently submitted and attached to the file.

The Petitioner seeks relief from Section 203.3C pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance as modified is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15 day of July, 1988 that a freestanding sign of 28 sq.ft. (not to exceed 14 sq.ft. per side), in lieu of the permitted 8

sq.ft. sign attached to the building, in accordance with the revised plan dated June 30, 1988, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restric-

> 1) The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its

2) The sign granted herein shall not be illuminated.

AMN:bjs

a_ Melania ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

Baltimore County Zoning Commissioner

July 15, 1988

Dennis F. Rasmussen

*374

1000 K.F.

N. 56,115

Ms. Jo Ann Keil P.O. Box 4056 Timonium, Haryland 21093

RE: PETITION FOR ZCHING VARIANCE E/S York Road, 121' S of the c/l of Talbott Avenue (2331 York Road) 8th Election District; 4th Councilmanic District Case No. 88-514-A

Dear Ms. Keil:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ALL IN MASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Mr. John O. Simons 2331 Associates Limited Partnership 515 E. Joppa Road, Towson, Md. 21204 People's Counsel

File

AMN:bjs

Enclosure

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.3.C. To allow a 25 square foot (Lingle faced) free standing sign in lieu of the permitted 8 square foot sign attached to the

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

LOCATION of building and indicate packinging Miller

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this ye-315-x500 petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

> I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition

Lossey	The state of the s
Contract Harringer;	C. C Legal Owner(s):
Valle.	Vartacijo Ann Kell
Type or I fint Name)	(Type or Print Name)
2331 7550	CIATES HIMITED (Type or Print Name) PARTNERS MIN Signature
Signature	Signature CATA BES MI DI Signature
4	\mathcal{O}
Address	(Type or Print Name)
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City and State	Signiliture

P. C. Rox 4056

Timonium, MD 21093 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Jan 1 (1971) -Name Simons Construction Com, any City and State BALTIMORE COUNTY, MARYLAND 515 East Joppa Road 21204 337-6990 Phone No. OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT , this 2014 day

of this petition be advertised, as its of general circulation throughhearing be had before the Zoning 1 Building in Towson, Baltimore

Item #324 Commissioner of Baltimore County

*374

County, Maryland in Liber 6747 at Folio 007.

KIDDE CONSULTANTS, INC.

1.35 Acres Parcel - Keil

Subsidiary of Kidde, Inc.

Description

Page 2

1987

December 31, 1987

Dennis F. Rasmusser

Baitimore County

494-3353

J. Robert Haines

Ms. Jo Ann Keil P. Q. Box 4058

Zoning Commissioner
Office of Planning & Zoning

Timonium, Meryland 21093

Petition for Zoning Variance

Petitioner(s): Jo Ann Keil

8th Election District - 4th Councilmenic

CASE NUMBER: 88-514-A

Towson, Maryland 21204

Please be advised that 94.01 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sion(s) and ng Office, County Office n (15) minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT gn and post set(s), there K-C1-615-000 se for each set not

Vil (2331 Gase. Led fait.

8080 ···· 3467: 8 818514-A

VALIDATION OR SIGNATURE OF CASHIER

ES York Road, 121 S c/l Talbott Avenue (2331 York Road)

HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 et 11:00 m.m.

BEING or intended to be the same parcel of land as described

in a deed dated 14 May, 1934 from Joan H. Keil and Jo Ann Keil to

KCI Job Order No. 01-87008

Jo Ann Keil and recorded among the Land Records of Baltimore

December 31,

Binsteenetthings VALICATION OR BIGNATURE OF CASHIER

RE: PETITION FOR VARIANCE E/S York Rd., 121' S C/L of Talbott Ave. (2331 York Rd.) 8th Election District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 88-514-A JO ANN KEIL, Petitioner

::::::

ENTRY OF AFPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

fetu Max Zuneman Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to Jo Ann Keil, P.O. Box 4056, Timonium, MD 21093, Petitioner; and Jeanne O'Connor, Agent, Simons Construction Co., 515 E. Joppa Rd., Towson, MD 21204, who requested

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

Baltimore County

April 29, 1988

NOTICE OF HEARING



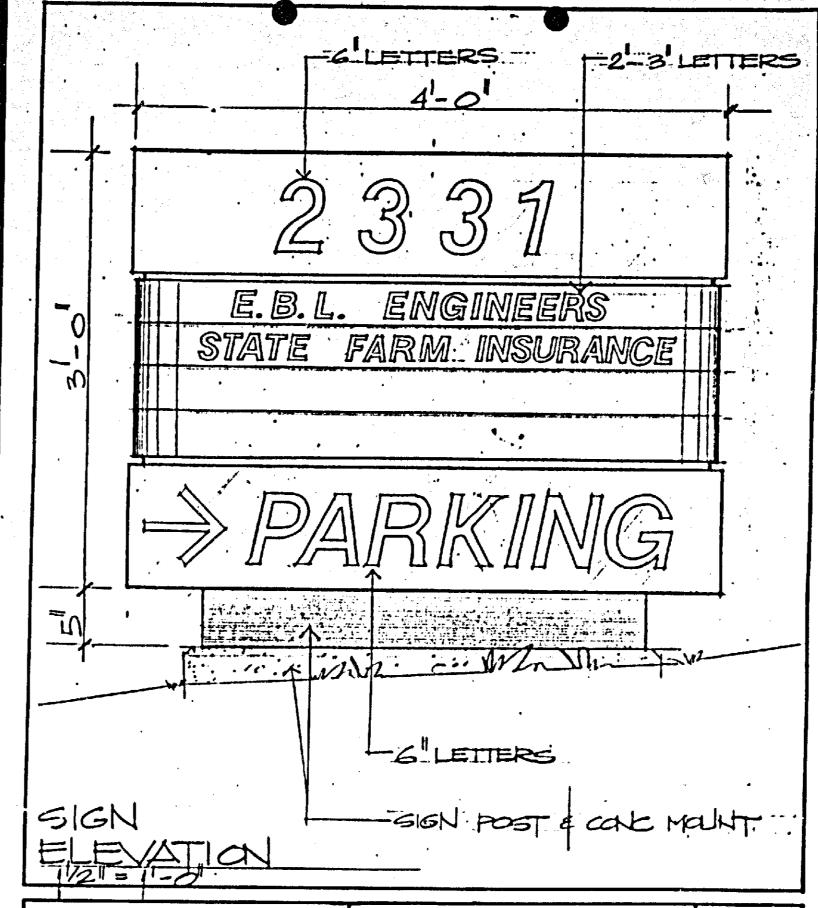
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 88-514-A ES York Roed, 121 S c/l Talbott Avenue (2331 York Road) 8th Election District - 4th Councilmenic Patitioner(s): Jo Ann Keil HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 11:00 a.m.

Variance to allow 72 square foot double faced free standing sign in lieu of the permitted 8 square foot sign attached to the building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Jo Ann Keil Simone Construction Company



gvageorge vaeth 5501 twin knolls road suite 108 columbia, maryland g1045

YORK RD OFF. BLDG GIMONS BUILDERS

54 m

I DEC. B7 GVageorge vaeth 314N FOR 31MONS OFFICE BUILDING OFFICE BUILDING 501mba, maryland 21045 #514-A 347-1

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1456 WA W 4744 .

6'0" (HAY ALL)

"DUPLICATE" CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 9 , 19.88

THE JEFFERSONIAN,

--- successive weeks, the first publication appear-

TOWSON TIMES,

88-514-1t CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for: Vonones Location of Signs: Focing york Ade approx 1 Fr. read way, Date of return: 6/10/89

88-514-4

Number of Signe: ___

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ day of ______, 1965 .

Petitioner s Koll Attorney

ZONING COMMISSIONER Received by: Long E. Dyer Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke May 12, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmuseen

Re: Property Owner: JoAnn Keil

Location: E/S York Road, 121' S/ c/l Talbott Avenue

Item No.: 374

Zoning Agenda: Meeting of 4/26/88

Centlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

. () 6. Site plans are approved, as drawn.

prior to occupancy.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cit. Jeel Kelly 5-13-58 Approved:

Planning Group

Special Inspection Division

/jl



INTER-OFFICE CORRESPONDENCE

Date______ May 12, 1988 TO J. Robert Haines
Zoning Commissioner

FROM P. David Fields, Director
Office of Planning and Zoning

SUBJECT Zoning Petition #88-514-A

RECEIVED ZOMING OFFICE DATE:

This office is opposed to the granting of this request. The standards set forth in the Baltimore County Zoning Regulations are adequate. Further, it is this office's opinion that the proposed "2331 York Road" may be an ID sign, but the separate readerboard is advertising. Finally, this size and type of sign is inconsistent with the spirit and intent of the R.O. zone.

P. David Fields, E pec of Planning and Uning

cc: Shirley Hess, People's Council J. G. Hoswell Zoning Office

"DUPLICATE" CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each

ing on ___ Quine 8 ___ , 19_88

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Jowson, Maryland as follows:

Petition for Zoning Variance
Lase number: 88-514-A
ES York Road, 121 S cl.
Talbott Avenue
(2311 York Road)
8th Election District
4th Councilmanic
Petitioner(s): Jo Ann Keil
Hearing Date: Tuesday, Variance to allow 72 square foot double faced free stand g sign in heu of the permitted square foot sign attached to the building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissions will assess entertain any request for a stay of the issuance of

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Petition for Zoning Variance Case number: 88-514-A 14 ES York Road, 121' S cf

ES York Road, 121 5 of Taibott Avenue
(2331 York Road)
8th Election District
4th Councilmanic
Petitioner(s): Jo Ann Keil
Hearing Date: Tuesday,
June 28, 1988 at 11:00 a.m.
Variance to allow 72 square foot double faced free standing sign in lieu of the permitted 8 square foot sign attached to the building.
In the event that this Petition: is presented, a building permit may be

request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hear-

I ROBERT HAINES

said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing J. ROBERT HAINES

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 6, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Department of Traffic Engineering

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial Development

Zoning Administration

State Roads Commission

Bureau of Engineering

Ms. Jo Ann Keil P O. Box 4056 Timonium, Maryland 21093

> RE: Item No. 374 - Case No. 88-514-A Petitioner: Jo Ann Keil Petition for Zoning Variance

Dear Ms. Keil:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Kidde Consultants, Inc. 1020 Cromwell Bridge Road Baltimore, Maryland 21204



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor Hal Kassoff

April 28, 1988

Mr. J. Robert Haines Zoning Commissioner
County Office Building
Towson, Maryland 21204 Att: James Dyer

RE: Baltimore County Office Building 2331 York Road E/S York Road Maryland Route 45 opposite Lincoln Street Zoning meeting 4/26/8 Item No. 374

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a 72 square foot (double faced) free standing sign in lieu of the permitted 8 square foot sign attached to the building, the State Highway Administration-Bureau of Engineering Access Permits offers the following comments.

The submittal for variance of a business sign has been forwarded to the State Highway Administration-Beautification Section, C/O Morris Stein (333-1642) for all comments relative to

If you have any questions, please call Larry Brocato of this office (333-1350).

> very truly yours, Creston J. Mills, Jr. Chief-Bureau of Engineering Access Permits

LB/es

cc: J. Ogle Morris Stein w/att.



My telephone number is (301) 333-1350

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5052 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County A Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

May 19, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson. Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comemnts for items number

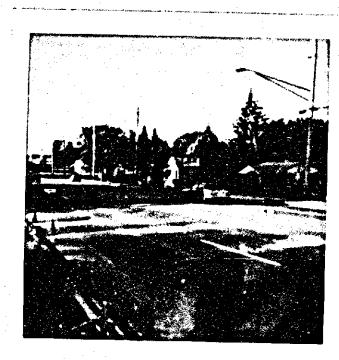
(374) 375, 376, 377, 378 and 380.

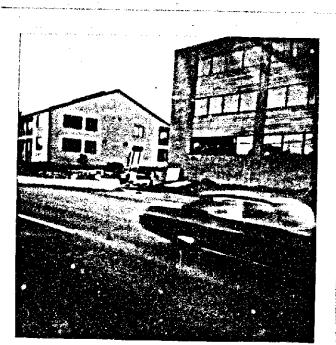
Very truly yours.

Stephen E. Weber. P.E. Assistant Traffic Engineer

SEW/RF/pml-b







PETITIONER(S) EXHIBIT (





